PROTECTION OF FOREIGN DIPLOMATIC MISSIONS OUTSIDE THE DISTRICT OF COLUMBIA

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 2235

A BILL TO AMEND TITLE 3, UNITED STATES CODE, TO PROVIDE IMPROVED PROTECTION FOR FOREIGN DIPLOMATIC MISSIONS

S. 2675

A BILL TO AUTHORIZE THE SECRETARY OF STATE TO REIMBURSE STATE AND LOCAL GOVERNMENTS FOR PROVIDING EXTRAORDINARY PROTECTION WITH RESPECT TO FOREIGN CONSULAR POSTS LOCATED IN THE UNITED STATES OUTSIDE THE METROPOLITAN AREA OF THE DISTRICT OF COLUMBIA

S. 2845

A BILL TO AMEND SECTION 202(7)(C) OF TITLE 3, UNITED STATES CODE

AUGUST 19, 1982

SERIAL NO. 97-H62

Printed for the use of the Committee on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE

98-547 O WASHINGTON : 1982

532143

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CONTENTS

Page

Moynihan, Hon. Daniel Patrick, U.S. Senator from the State of New York, opening statement of 1

WITNESSES

Conboy, Kenneth, deputy commissioner, New York City Police Department, accompanied by Gillian Sorensen, New York City liaison with the diplomatic community 12
McBrien, J. Robert, Special Assistant, Office of Assistant Secretary of the Treasury for Enforcement and Operation 6
Robinson, Roger, Acting Deputy Assistant Secretary for Security, Office of Security, Department of State 11

ADDITIONAL MATERIAL

Adelman, Hon. Kenneth L., Deputy Ambassador to the United Nations, letter to Senator Stafford dated August 17, 1982 4
Bills, reprints of:
S. 2235 27
S. 2675 28
S. 2845 31

PROTECTION OF FOREIGN DIPLOMATIC MISSIONS OUTSIDE THE DISTRICT OF COLUMBIA

THURSDAY, AUGUST 19, 1982

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C.

The committee met at 2:03 p.m., in room 4232, Dirksen Senate Office Building, Hon. Daniel Patrick Moynihan presiding.

Present: Senators Stafford, Moynihan, and Chafee.

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator MOYNIHAN. A very good afternoon to our guests. We have here the question of a number of bills, the subject of which is the reimbursement of cities, in particular the city of New York, as an example case, for the protective services provided to foreign diplomatic facilities.

If I might just recapitulate for the record what I think everyone here knows. On March 18, Senator D'Amato and I introduced a measure, S. 2235, which has largely the basic provisions that the House has now provided. On that same day, Representatives Ferraro, Green, and Molinari, Members of Congress from New York, introduced an identical bill, H.R. 5888. The House Committee on Public Works and Transportation reported a somewhat different version of the bill, H.R. 6254 which was passed on June 15 by a handsome vote of 218 to 177.

Good afternoon, Mr. Chairman. Would you like to take the chair?

Senator STAFFORD. Stay there. I came in to indicate my consideration of the importance of this meeting for you.

Senator MOYNIHAN. I should say, you finished a year and a half of work on the committee. The Clean Air Act was ordered and reported at 12:30 today through the considerable efforts of the chairman.

Senator STAFFORD. Thanks to the cooperation of Senator Moynihan and others on the committee.

Senator MOYNIHAN. We learn to cooperate on your committee, Mr. Chairman.

I was saying that the House bill on this matter was referred to the Finance Committee, so we have introduced a new bill that is identical to the House bill and this is the hearing we are having now.

I would ask that the prior bill be made part of the record. (See p. 27.)

We welcome our guests from New York City and Ms. Sorensen.

Our first witness is Mr. Robert McBrien, who is the Special Assistant to the Assistant Secretary of the Treasury for Enforcement and Operations.

Mr. McBrien, we welcome you.

I have a statement on the subject, which I would like to place in the record, but which I will summarize.

The New York City diplomatic community is 32,000 persons, the largest in the history of the world, larger than some towns in Vermont. And for years now, since 1973, the Federal Government has acknowledged responsibility for deferring the cost of the protection of these missions, and $3.5 million have been made available annually for that purpose.

It is manifestly not enough. There are some $20 million in backlogged claims. But the city has found itself in a setting of terrorist activities a number of times.

Senator Chafee, good afternoon.

Senator CHAFEE. Mr. Chairman.

Senator MOYNIHAN. I was once the U.S. Permanent Representative at the United Nations and I arrived at work one morning in our mission, Mr. Chairman, and found that a bomb had blown off the whole front of the building. The State Department was efficient and calm in these matters. By the end of the day they had cleaned up all the glass and got the building going again. But these bombs go off with some regularity.

I will put my statement in the hearing record along with a letter from the Honorable Kenneth L. Adelman who is the Deputy Representative to the United Nations who speaks of the singular difficulties of the city. There are 157 missions accredited to the United Nations and some 90 consulates, and this makes for a very large diplomatic community. And security is a problem, not just normal management, but all of the caravans and motorcades that make their way in and out from Kennedy Airport.

Ambassador Kirkpatrick has expressed her genuine concern there be an increase in Federal, State, and local resources to attend to these matters. And I will put Ambassador Adelman's letter in the record.

[Senator Moynihan's opening statement and the letter referred to follow:]

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

The City of New York has historically been a city of diverse nationalities, a port of entry for millions of people from all over the world who have made America their home. Since 1945, New York has also been host to thousands of people of nearly every nationality who reside there while representing their countries at the headquarters of the United Nations.

New York's diplomatic community of 32,000 is the largest in the world. Under our federal system, protection of that population is assigned to the law enforcement authorities of the City of New York, but carrying out that duty is a matter of national and international obligation. Not until December 31, 1975, when Public Law 94-196 became effective, did the Federal government acknowledge responsibility for bearing the extraordinary costs associated with this protection. That law authorizes Federal reimbursement of up to $3.5 million annually for the costs of protecting permanent foreign diplomatic missions and visiting foreign diplomats to the United Nations.

The authorization of $3.5 million has been insufficient to reimburse New York for the annual costs of protecting UN diplomats almost from the beginning. For the past several years, the authorization has not been sufficient to meet the allowable claims of New York under the law and, by the end of fiscal year 1982, New York will have accumulated over $20 million in uncollected, reimbursable expenses. New York's expenses under the law are estimated at $6 million for fiscal year 1983 alone.

New York City does not ask for or receive reimbursement for protecting the United Nations buildings, the United States Mission to the UN, diplomatic residences, foreign commercial offices in New York, or for maintaining order at demonstrations outside the UN. And New York has fully carried out its obligations despite its fiscal circumstances, which have forced a reduction in its police force of one-third since the law was passed.

Notwithstanding this decrease in personnel and an inadequate Federal payment, the City has been faced with—and met—an increasing security workload. In 1981, there were seventeen diplomatic visits to the UN requiring extraordinary security measures. Moreover, there has been a startling and disturbing increase in the number of terrorist attacks aimed at diplomats and diplomatic buildings in New York. Since December 1979, there have been 18 bombings, the most recent directed at the Egyptian Tourist Office. In the fall of 1980, a Cuban diplomat was murdered on a city street. He was the first diplomat killed in New York since the UN headquarters was located in the city. During all or part of 1981, the City police department had to maintain fixed sentinel posts at 54 diplomatic missions.

Protecting foreign diplomats in the United States is a matter of national concern, just as is Americans' insistence that our diplomats be protected wherever they are stationed abroad. The protection of delegates to the United Nations is a matter of international obligation and the underpinning of international reciprocity.

The arrangements instituted in this law also protect the interests of the American taxpayer. They are cost-effective. The Treasury Department estimated several years ago that dispatching a member of the Secret Service Uniformed Division from Washington to New York poses twice the expense of assigning a New York City police officer to the same duty.

During hearings before the House Committee on Public Works and Transportation, Administration spokesmen admitted that the security problems of UN missions and foreign visitors are steadily increasing but they nevertheless opposed increasing the Federal reimbursement to New York for meeting that danger. An anomalous position, surely. Even more surprising is the fact that the Administration has simultaneously supported legislation to reimburse cities for the costs of protecting foreign consulates. That legislation was favorably reported—with an infinitely generous "such sums" authorization—just this week by the Foreign Relations Committee I shall be interested to hear the Administration spokesmen today square their positions on these two similar but distinct diplomatic protection programs.

Should anyone question the need for this legislation, or question the amount of money involved, I would point out that the supplemental appropriation bill now before the Congress contains $31.2 million for this year alone to enhance security at U.S. embassies and consulates around the world. I suggest that money will buy our diplomats abroad scant security if we do not fulfill our obligation to protect other nations' diplomats in the United States.

I would hope that, based on what we learn at this hearing, the full Committee will proceed at the earliest opportunity to markup on this legislation. Time is of the essence here if we are to prepare a bill for the President's approval before the end of this Congress.

THE DEPUTY REPRESENTATIVE OF THE UNITED STATES
OF AMERICA TO THE UNITED NATIONS

August 17, 1982

Honorable Robert Stafford
Chairman, Subcommittee on
Environment and Public Works
United States Senate
Washington, DC 20510

Dear Senator Stafford:

In the judgment of the United States Mission to the United Nations, S. 2235 addresses a most urgent issue and does so in a constructive, effective manner. We feel privileged to offer our comments on this pending bill to you and the members of your Subcommittee.

Even as the United States expects and indeed demands the reasonable, prudent protection of its diplomatic missions around the world, so must we provide similar protection to foreign missions in this country and certainly not least in New York City, with its 157 missions accredited to the United Nations, some 90 consulates, and a diplomatic community which totals 30,000. This makes the diplomatic community here the largest in the world. Such responsibility devolves upon the Federal government, working in close and continuous cooperation with State and local police authorities. In no instance in this responsibility greater, more complex, or more varied than in New York City, the headquarters of the United Nations.

In response to this special situation, the Congress in 1975 provided for Federal reimbursement up to a total of $3.5 million a year to local police departments in seven qualifying cities, including New York, for "extraordinary protective needs." In 1979, as you know, the Treasury Department liberalized its regulations governing such reimbursements -- broadening its definition of "needs."

It seems scarcely necessary to point out that we are living in incredibly dangerous times. New York City is the unwilling but unavoidable site of violence from persons of varied stripes, such as international hitmen, plain "crazies," and single-issue zealots who can be activated by events that occur anywhere around the world.

This is the situation to which we, as Host Country to the United Nations, must respond. In this effort, the role of the City of New York and of its superbly professional Police Department is indispensable, and this role is superbly discharged -- at a cost, in our judgment, and with a degree of flexibility and effectiveness that could not possibly be duplicated by a Federal police force many times the size (and comparably budgeted). U.S. Treasury reimbursements to the City of New York represent a modest outlay in the circumstances.

Ambassador Kirkpatrick stated the views of the United States Mission regarding this subject during her testimony on May 4, 1982, before your Committee's counterpart in the House of Representatives. As she said on that occasion, we believe it is imperative to focus a variety of increased Federal, State and local resources in the most effective way possible to discharge the high responsibility for diplomatic protection--in New York City and elsewhere -- that all of us share. The Federal government should certainly do its utmost to meet its responsibilities.

Very sincerely yours,

Kenneth L. Adelman

Kenneth L. Adelman
Ambassador

Senator MOYNIHAN. I would like to ask if the chairman would like to say something on this point.

Senator STAFFORD. I was going to offer the original of Ambassador Adelman's letter which does refer also to Ambassador Kirkpatrick, for the record. I will join you in placing that letter.

Senator MOYNIHAN. I appreciate that.

Senator Chafee?

Senator CHAFEE. Mr. Chairman, you have a proposal before us to authorize $6 million.

Senator MOYNIHAN. We have introduced a measure which is identical to that which has passed the House of Representatives and it has four parts, one of which you, as the former Secretary of the Navy, will particularly be interested in.

The first deals with motorcades which I understand is a legitimate expense of the city. To increase the annual authorization to $7 million; to provide a one-time authorization of $17.7 million to clear up the reimbursement of claims which I believe the Treasury will attest to as having been agreed; and, finally, to direct the Secretaries of Treasury, State, and Navy to consult on the advisability of placing a Marine Corps security detachment at the U.S. Mission to the U.N.

Senator CHAFEE. Is this a hearing? Are we going to hear testimony?

Senator MOYNIHAN. This is a proper hearing and we are about to hear from Mr. McBrien.

Senator CHAFEE. I heard the Mayor of Glen Cove on the subject of providing financial assistance. So this is an extension of that, maybe on a somewhat different scale. He indicated it was only little towns that have problems.

Senator MOYNIHAN. That is a common view of mayors of little towns.

Senator CHAFEE. You can proceed, Mr. Chairman. And I appreciate your courtesy. I have nothing to add at this time.

Senator MOYNIHAN. Mr. McBrien, we welcome you.

STATEMENT OF J. ROBERT McBRIEN, SPECIAL ASSISTANT, OFFICE OF ASSISTANT SECRETARY OF THE TREASURY FOR ENFORCEMENT AND OPERATIONS

Mr. MCBRIEN. Mr. Chairman, Senator Chafee, I appreciate the opportunity to appear before you today to present the views of the Department of the Treasury on S. 2235, dealing with protection of foreign missions and S. 2675, on protection of consular facilities. I will address each of these bills in turn.

S. 2235 would amend title 3, United States Code, subsections 208(a) and 208(b), to expand the circumstances under which reimbursement can be made to New York City for protective services provided to foreign diplomatic facilities and visitors and to increase the authorized ceiling for annual appropriations to be available for such reimbursements. As you may know, the amendment to subsection 208(a) of title 3 would enact into positive law the additional reimbursement conditions which have been provided through the language of the annual Secret Service appropriations act and through operation of the subsequent continuing resolutions since

1980. The effect of the proposed amendment to subsection 208(b) would be to increase the level of Federal funds authorized to be available for reimbursement by $11.5 million each year.

I believe it is fair to say that the Department of the Treasury has been cooperative with the city of New York in making those reimbursements which are provided for by Public Law 94-196, codified as title 3, United States Code sections 202(7) and 208. In addition, because of special adjuratory language placed in our 1980 appropriations act, Public Law 96-74, and carried on through succeeding continuing resolutions, Treasury has also been required to reimburse New York City for expenditures which were not contemplated by Congress when it enacted Public Law 94-196. These additional reimbursements have been for protection of the motorcades used and the places visited by foreign dignitaries who participate in the work of the United Nations during their trips. It is the explicit authority to make these additional reimbursements that section (a) of the bill would place into the substantive statute.

The Treasury Department does not believe that these additional areas of local protective expenditure are appropriate for reimbursement by the Federal Government. The provision of protective services for foreign establishments and official visitors in the United States has historically been a shared responsibility under our federal system of government. We believe that under our constitutional framework, State and local governments have the primary responsibility to enforce laws relating to the protection of persons and property within their jurisdiction; and we think that part of the local responsibility is to absorb the costs of their own security measures for special events such as foreign official visits. Consequently, the Treasury Department is opposed to expanding the scope of reimbursable conditions under title 3, United States Code, sections 202(7) and 208, which would result from enactment of S. 2235.

Section (b) of S. 2235 would raise the ceiling on annual appropriations for reimbursement to $15 million. Since New York City has repeatedly asserted that the current $3.5 million limitation is unfair, the Treasury Department has reviewed the history of the reimbursements that have been made to New York City under the law.

That review shows that to date we have paid New York City $15.6 million in reimbursements for extraordinary protective measures. We are currently processing a $19.8 million claim by the city, and we believe that $13.6 million of that claim will be reimbursable. This means that reimbursements will total $29.2 million.

The key question, then, in determining a fair annual reimbursement ceiling is: What is the average annual reimbursement? Since the public law made reimbursements effective retroactively to July 1, 1974, which was the commencement of fiscal year 1975 under the previous budget cycle, we should calculate our annual average starting with that date. Thus, through December 1981, the latest date for which we have received claims, reimbursements had covered a span of 7.5 years. This computes to an average annual reimbursement of $3.9 million which is $400,000 above the current statutory ceiling on reimbursement appropriations.

However, this amount is calculated on the basis of reimbursements which include the costs since fiscal year 1980 of extraordinary protection for foreign dignitaries' motorcades and the other places visited by them. As I have stated previously, Treasury believes that those reimbursements reach beyond the intent of Public Law 94-196 and that they are contrary to the sharing of protective responsibilities between the Federal Government and local police authorities. Consequently, since the costs of New York City's protection for "motorcades and other places" total $5 million, we should reduce our grand total from $29.2 million to $24.2 million and then take a new average. When we do that, we find that the average annual reimbursement over the effective life of the statute is $3.2 million. On that basis, assuming that extraordinary protective situations do not increase significantly in numbers or intensity and that their basic costs do not otherwise rise, we would have to say that the current statutory ceiling of $3.5 million appears to be sufficient.

I would like to, if I may, expand on the prepared statement that I have, making reference to a document produced by the city of New York, apparently under the guidance of Ms. Sorensen, who is here with us, entitled "Economic Impact of the Diplomatic Community on New York."

That document in essence shows that economic benefits to New York City from having the United Nations and consulates present and the diplomatic community involved, including the many conferences and visitors, is $700 million in 1981. It also shows that the cost to the city for having all of that in New York City during that time was $15.1 million. Out of those costs, the same document says, that $900,000, of police protective expenses were paid by the city, the rest of the police protective expenses were reimbursed by the Federal Government.

That means that the Federal Government now is paying nearly four times what the city of New York itself is having to expend on the police protection for this diplomatic community in New York City, it means annual reimbursement rate of $150 million, if indeed it were reimbursed at that rate. We would be paying virtually the entirety of the cost which New York has document as being its cost for having the United Nations present rather than only the police costs, while the city is enjoying an economic benefit of $700 million.

If I were to assume, Senator, and I certainly don't know if this is accurate—out of that $700 million the city might enjoy the benefits of perhaps as much as 5 percent of it being available in taxation—I mean 5 percent available in taxes, the city, even at this figure, is getting $35 million in taxes.

If we have that, the city is still getting more money in taxes than is expending. Under those circumstances, we find it very difficult to see why the ceilings should be raised.

Senator CHAFEE. Out of curiosity, do U.N. missions in New York City pay New York City real property taxes?

Mr. MCBRIEN. I believe, according to the same report, the answer is no.

Senator CHAFEE. So none of the missions pay real property tax. Do you agree with that?

Mr. MCBRIEN. Yes, I agree, certainly.

Senator CHAFEE. So they are getting, in addition to police protection, which is covered here, they are getting fire protection, and, if they choose, the use of the public schools in New York City.

Senator MOYNIHAN. Depending on how you read that bill we just passed.

Mr. MCBRIEN. According to New York City's own report, the various costs of the city include nonreimbursed police protection, traffic tickets issuing and processing, New York City Commission for U.N. and Consular Corps which roughly comes to $1.4 million, and then they have what they call New York City revenue losses, tax exempt property, that would be missions and consulates, of slightly over $12 million, uncollected traffic tickets $1.6 million and various uncollected debts of $42,000.

That is where the $51 million comes from it costs the city to have the U.N.

Almost $12 million of it is from uncollected taxes. $0.9 million is for police protection.

If I might, Mr. Chairman, I would like to now address S. 2675.

Senator MOYNIHAN. So the record will be clear, this is a measure introduced by Mr. Percy in the Committee on Foreign Relations at the request of the Department of State, I believe, and it had to do with consular protection as well.

Mr. MCBRIEN. S. 2675, is a bill which would provide for the Department of State to reimburse State and local law enforcement authorities for their protection of foreign consular facilities and officials, during instances of extraordinary need. The Department of the Treasury supports this legislation since it provides a mechanism through which the State Department can identify for local police authorities those security situations which demand extraordinary protective measures and then assist the local police by assuming the financial burden in those unique circumstances. In concept this is nearly identical to what occurs with respect to foreign missions in New York City under Public Law 94-196. After following the trends in terrorism over the past 10 years and observing the recent attacks on Turkish officials in the United States and elsewhere, we believe that it is wise to enact such legislation both to meet the U.S. obligations to foreign officials in this country and to help insure reciprocal attention to security for our posts overseas.

That concludes my statement. I would be happy to respond to your questions.

Senator MOYNIHAN. What is the estimated cost of S. 2675?

Mr. MCBRIEN. Mr. Chairman, I have no idea. I am not aware that it has been costed out. I believe Mr. Robinson from the State Department would be the best witness to testify to that.

Senator MOYNIHAN. Fine.

One question I would like to ask, with respect to that $3.7 million ceiling now in place: This is not a grant given to the city of New York, this is a ceiling on the claims that you can pay when they are submitted and you accept them as valid claims?

Mr. MCBRIEN. That is correct.

Senator MOYNIHAN. If we were to take price changes from 1983, you would find at least a 50 percent price increase, would you not, or you would find something in that range?

Mr. McBRIEN. I would admit there has been a substantial price rise.

Senator MOYNIHAN. There are at least another 10 new countries admitted to the United Nations. Let me ask you, where is Tuvulo? Mr. McBrien.

[No response.]

Senator MOYNIHAN. You might get posted there one day. Tuvulo is the former Polynesian countries.

Well, we have your views, but you are in favor of providing municipalities protection of consulates and these technically would be Chicago, San Francisco, Los Angeles. You do it automatically here as part of the Executive Protection Service.

Mr. McBRIEN. That was the former name. It is now the Uniform Division of Secret Service. It is budgeted to the Secret Service budget for the protection of the foreign missions in the Washington, D.C. area.

Senator MOYNIHAN. And that includes consulates?

Mr. McBRIEN. Yes.

Senator MOYNIHAN. How many cities are we involved in; do you know offhand?

Mr. McBRIEN. I believe there are more than 50 cities that have consulate offices in them. So, it is conceivable it could cover that many. How many in reality would be affected, I don't know.

Senator MOYNIHAN. I guess I am not as familiar as I should be with the Percy bill. Is it an automatic allowance, is that the idea? Is it reimbursable in the same sense?

Mr. McBRIEN. Deferring again to more knowledgeable testimony of my colleague, Mr. Robinson, from the State Department, my understanding of the bill is that under that bill the Department of State would notify a city that it believes that there are extraordinary protective situations.

Senator MOYNIHAN. And they would request it and having requested it, they would pay for it?

Mr. McBRIEN. Yes.

Senator MOYNIHAN. That is the same basis for which the State Department requests the city of New York to put police in front of U.N. missions in New York right now. The city does so at the request of the Department of State, as I understand it. And it changes from time to time, you put them up, you take them down. But if you march up and down the East Side, you see a lot of booths with police officers in them.

All right, sir, we thank you very much. Would you stay on hand—the hearing is not going to be that long—in case we have questions of fact we might want to settle.

Mr. McBRIEN. Certainly, Mr. Chairman, it will be my pleasure.

Senator MOYNIHAN. Is Secretary Robinson here?

Mr. Robinson, we welcome you, sir.

STATEMENT OF ROGER ROBINSON, ACTING DEPUTY ASSISTANT SECRETARY FOR SECURITY, OFFICE OF SECURITY, DEPARTMENT OF STATE

Mr. ROBINSON. I am here to respond to questions, Senator. This came up very quickly for me. I have only been on board for 3 weeks, so I will respond as best as I can.

Senator MOYNIHAN. Have you had a chance to read the letter from Ambassador Adelman?

Mr. ROBINSON. No, I have not.

Senator MOYNIHAN. I will read you a paragraph of it.

It says:

> It seems scarcely necessary to point out that we are living in incredibly dangerous times. New York City is the unwilling but unavoidable site of violence from persons of varied stripes, such as international hitmen, plain "crazies," and single-issue zealots who can be activated by events that occur anywhere around the world.
>
> This is the situation to which we, as host country to the United Nations, must respond. In this effort, the role of the City of New York and of its superbly professional Police Department is indispensable, and this role is superbly discharged—at a cost, in our judgment, and with a degree of flexibility and effectiveness that could not possibly be duplicated by a Federal police force many times the size (and comparably budgeted). U. S. Treasury reimbursements to the City of New York represent a modest outlay in the circumstances.

It depends whether the front of your building has been blown off recently. That has something to do with the perspective you have. I know something of the depth of the police security provision of the Department of State. I would assume you don't feel you have any knowledge or the staff to do this yourself, the State Department is well content to have the city of New York do it.

Mr. ROBINSON. That is very true.

Senator MOYNIHAN. While I have the opportunity, I will call your attention to one possible flaw in the State Department security arrangements where I have been subjected to them in the city of New York several times when someone was out to shoot me.

The problem with the State Department officials, they are superb people and they would do anything for you, but being the State Department, they are absolutely bound by precedence. Everytime you get out of an elevator or come to a doorway, they step back and make sure the Ambassador goes through first and is greeted with a hand grenade or a hail of submachine gun bullets awaits him, and they come after.

Do you know whether the administration would want to transfer this role to the Department of State?

Mr. ROBINSON. This question is under study at the moment by the administration, but a decision has not been made, sir.

Senator MOYNIHAN. Can I tell you, will you take a message back? Don't. The police department of New York City knows that city and only the police department knows it well. It is an endless complex place, full of holes in the ground and towers and accesses and back alleys and if you ever tried to learn it——

Mr. ROBINSON. I don't think that will ever happen.

Senator MOYNIHAN. Stick to foreign policy which is simple compared to the physical arrangements of the island of Manhattan and access thereto.

Then, Mr. Robinson, why don't you standby. We are going to hear from Mr. Conboy and wrap this up.

STATEMENT OF KENNETH CONBOY, DEPUTY COMMISSIONER, NEW YORK CITY POLICE DEPARTMENT, ACCOMPANIED BY GILLIAN SORENSEN, NEW YORK CITY LIAISON WITH THE DIPLOMATIC COMMUNITY

Senator MOYNIHAN. Mr. Conboy, we are very pleased to see Ms. Sorensen with you. Welcome to the committee.

Mr. CONBOY. Mr. Chairman, on behalf of the mayor of New York and the police commissioner, I want to express to you my deep appreciation for this opportunity to appear and testify on Federal reimbursement for the local costs of protecting U.N. diplomatic personnel and visiting foreign dignitaries—this being an issue of overriding concern for the officials of the city and, going back, at least to the enactment of the statute on which this entire program is predicated, which is Public Law 94-196 signed by President Ford in 1975.

With me, as you noted, is the Honorable Gillian Sorensen, who is the Commissioner of the Commission on the United Nations and Consular Corps, New York City.

I would like, very briefly, Senator, to indicate the history of the process of this relationship, which has been a very positive one with Treasury because I think it has a very direct bearing on what Mr. McBrien said.

In December 1975, after 15 years of efforts by New York for Federal assistance, President Ford signed into law Public Law 94-196 allowing reimbursement up to a maximum of $3.5 million annually to New York City for the protection of visiting foreign dignitaries and other U.N.-affiliated diplomats. The city's longstanding view that protecting these foreign dignitaries is a Federal responsibility was acknowledged in the report of this committee which accompanied the legislation, as follows: " * * * local communities should no longer be forced to bear the full cost of what is essentially a national obligation."

The issue then remains, therefore, is not who should pay for the protective costs of U.N. diplomats and foreign dignitaries, because this was explicitly assumed as a national obligation by Public Law 94-196. The issue is, rather, the amount to be authorized for, and the nature of, these expenditures.

These expenditures are of great importance to our country, because the protection of foreign dignitaries has the potential of affecting U.S. foreign relations and the reciprocal treatment of our diplomats abroad. The mayor recently received a letter from U.N. Secretary General Perez de Cuellar, which expressed the hope that New York City will be able to maintain the current level of police protection, notwithstanding any possible fiscal constraints. This letter, a copy of which is appended to copies of these remarks, attests to the importance the world community places on this issue.

These sentiments are also shared by our country's distinguished representative to the United Nations, Ambassador Jeane Kirkpatrick, who testified on this matter several months ago before a subcommittee of the House Public Works Committee. As the Ambassador there stated:

> The need for protection of diplomats attached to the United Nations community has gone up rather dramatically in recent years and is likely to continue to go

up. . . . The most cost-effective means of providing protection is through the New York City police.

Prior to 1980, New York City had a perfect safety record with respect to the personal security of diplomats and their families. Parenthetically, I want to say that this is perhaps the most direct rejoinder that I can make to Mr. McBrien's suggestion to you that we average out the costs over the years of the life of the legislation and come up with some kind of mean average. The fact is that most, if not all, security officials, both at the United Nations and State Department and in foreign police forces, in addition to our own police intelligence commander says there has been a radical difference in the climate, the security climate for diplomats in New York, and indeed for most of the major cities in New York. I am going to ellude to the number of bombings that have occurred in New York City in the last year and a half.

In the 34 years after the establishment of the United Nations, no diplomat had been assassinated or abducted and a procession of popes, members of royalty and heads of state and government had moved through the city and departed in safety. However, in the fall of 1980, a Cuban diplomat was shot to death on a city street, ending New York's enviable record of no diplomatic bloodshed.

This event, coupled with an increase in the number of violent assaults on diplomatic facilities in the city, has led the police department to conclude that acts of terrorism may soon become more prevalent in New York City. Since December 1979 there have been 25 terrorist bombings in New York City associated with diplomatic property, including attacks against the Cuban, Egyptian, Soviet, Turkish, Mexican, and U.S. missions, the Yugoslav Bank, Aeroflot, vehicles owned by Cuban, Soviet and Nigerian diplomat, the Honduran consulate, and the Egyptian tourist office. In five of these instances, armed devices were removed prior to detonation.

Senator MOYNIHAN. Let me interrupt you there if I can. You say in five of these instances, armed devices were removed prior to detonation. I take it this was done by the bomb squad?

Mr. CONBOY. Correct.

Senator MOYNIHAN. I take it the bomb squad is not exactly sure when they pick up the bomb and take it out of the building whether it is going to go off then and there or go off sometime later?

Mr. CONBOY. Correct.

Senator MOYNIHAN. And I take it when they do that they put their life in their hands?

Mr. CONBOY. Yes, sir.

Senator MOYNIHAN. And this is not everyday work.

Mr. CONBOY. That is correct, sir. And, indeed, not only is the bomb squad involved in a typical bomb threat, but large numbers of patrol units are on the scene to evacuate, clear streets, deal with traffic. As you fully appreciate, most missions to the United Nations are located in the core of the central business and commercial district of Manhattan. And just parenthetically, the thing that was painful when I was listening to the Secretary's representative, that we do not get reimbursed for a large range of security services, we provide an associated aspects of diplomatic protection because we agree with counsel and Treasury that it is not covered by the language of the authorizing statute. And, furthermore, of all of the

98-547 O - 82 -- 2

submissions we have submitted, they have approved only 65 percent. So, 35 percent of our submissions they decline to pay, which we understand; we appreciate that there are differences of opinion.

In letters to the Secretary of the Treasury and to Mr. Williamson at the White House, the mayor has pointed out that the most critical aspect of this problem is that while we have had an upsurge of bombings and terrorism in New York City in the last several years, we have had a severe reduction in police. We have a force one-third smaller now than in 1975. And to do this we have obligated in many instances to view the local protection patrols, for example, neighborhood like Bayside, Riverdale and other locations, they suffer and the people of New York want to know since the Federal Government is the obligated party under the treaty.

I didn't hear Mr. McBrien mention that, there is a covenant between the United Nations and the U.S. Government as the host country to provide protection. Indeed, in our discussions with Treasury for the last 4 years there has always been acknowledgement of this. It comes as a surprise that the administration has taken the position they will support an expansion of protection under the consulate bill and yet oppose this bill. New York City has an obligation of $7 million a year. The documentation is there.

By the way, they take—and I understand this is a complex fiduciary obligation they have—but they apply a very close and intense scrutiny to every bill we submit. We have, I think, a very positive relationship with Treasury and, frankly, I am very much surprised, as are the other city officials with me, that the administration is prepared to express its concern for the safety of foreign dignitaries on a bill that will amount to probably about $80,000 from New York City because that is what consular corps protection amounts to and take a retrogressive position on a bill which involves considerably more expenditure.

Now, this activity against diplomatic establishments in New York City—this terrorist activity, this upsurge—is consistent with increasing acts of terror against diplomatic communities all around the world. As you may know, since 1975 there have been 51 attacks on Embassies or other diplomatic establishments representing 30 countries in 30 cities. Six attacks were made upon U.S. Embassies and five American Ambassadors have been killed during this period.

New York's diplomatic community of 32,000 is the largest in the world. The police department's intelligence division estimates that there are more than 1,000 disruptive or terrorist groups operating in the United States, many of which are based in New York. A basic tactical police response to security hazards that threaten the safety of diplomats has been the posting of police officers at missions or other diplomatic properties where concrete threats exist. These fixed posts are maintained, usually on an around-the-clock basis, as long as the threat is thought to be viable. By the way, we provided these, even though we never got reimbursed and we provided them because we have proceeded along the assumption that the Federal Government explicitly accepts its obligations. During 1981, the department maintained coverage at 54 separate diplomatic locations.

Security arrangements are far more complex for extraordinary dangers that arise in connection with the visit of heads of state and other foreign dignitaries. In 1981, exclusive of the 36th General Assembly, there were 18 visits to New York by 13 foreign dignitaries that required the security attention of the New York City police.

Senator MOYNIHAN. Could I interrupt there. I have a friend in the New York City Police Department who is assigned to protect me, a detective. I saw him the other day and he seemed well suntanned. I asked him if he had gotten off a weekend or had been out to the beach. And he said, no, he spent the last 3 days climbing the tops of buildings that border the Carlyle Hotel taking pictures. Why? Because Mrs. Ghandi was visiting the U.N. and you had to know every place in that neighborhood from which you can take a shot at the Prime Minister of India.

That, too, is not useless work and it is not yard work.

Mr. CONBOY. And it is not reimbursable expense nor do we submit for that expense. We do not submit as a reimbursable expense any intelligence associated responsibilities that we carry out, and when the Prime Minister was in New York, that was an expensive operation. For example, there were some remarks by Mr. McBrien about the cost of motorcades. Well, I am sure Mr. McBrien appreciates that when Fidel Castro comes to New York to a midtown hotel or to the Cuban Mission on the East Side from John F. Kennedy Airport, you are talking about a massive and serious security problems. We have obligations to secure overpasses, we have launches in the river. As you undoubtedly recall, at one point when Castro was in New York a mortar was found on an island in the middle of the East River. We have helicopters. You may recall there was much criticism of the Secret Service when President Ford's car was rammed by a car full of teenagers when he was in Connecticut while the President was in office and there was a great deal of criticism about lack of traffic control. We have been denied by Treasury the cost of traffic control associated with the guiding of these diplomats into the city, not only into the city but from the airport—if a diplomat decides to see the sights, we assume because his life may be in danger that we ought to as a matter of professional obligation undertake to secure his life to the best degree possible.

And finally this comment about the motorcades absolutely inexplicable. Why shouldn't it be covered? It makes no sense to exclude it.

Senator MOYNIHAN. The same thing as when the President drives through the streets of Washington, D.C.

Mr. CONBOY. Yes.

Federal reimbursement to New York City for costs incurred in both routine fixed post assignments and extraordinary protective need operations is now broadly authorized under revised Treasury regulations promulgated in the spring of 1980. This reimbursement, however, is not a Police Department subsidy for it underwrites only the very special and extraordinary costs associated with protecting U.N. mission and foreign dignitaries, which are acknowledged by Public Law 94-196 as a national obligation. Furthermore, the claims are reviewed in detail by Treasury, and some are not approved.

As I indicated, the rate of disapproval is 35 percent.

New York City's claims in all areas of diplomatic protection are now averaging approximately $6 to $7 million per year. This is another interesting operation and I think this is germane to the comments of the distinguished Secretary of State. The Treasury Department has testified before the House Public Works Committee that if the city of New York were not to provide the protection of foreign dignitaries and the Federal Government were to assume this expense, it would cost $20.1 million in the first year alone, and the annual costs thereafter would be $14.5 million. Furthermore, these figures do not take account of the additional costs which would be involved for motorcade protection and certain other police protection for which New York is not currently reimbursed. A list of all moneys received by the city since 1975 is included for your reference with copies of my remarks.

The police department currently has diplomatic security claims in the amount of $19.7 million pending, of which the Treasury has indicated at least $13 million will be approved. These items covered include fixed post coverage for 1974–78 and 1981, 17 extraordinary U.N. visits, and protection of the Cuban Ambassador. Furthermore, by September 30, 1982, an additional amount of $6.5 million in allowable expenses will have been incurred for 1982 fixed posts and supplemental costs and protection relative to the forthcoming disarmament conference. Moreover, resubmission of disallowed claims will probably entitle the city minimally to an added $2.5 million. Thus, the total amount which will be subject to reimbursement as of September 30 of this year is $22 million.

However, under the fiscal 1982 congressional appropriation for this purpose, which in turn is constrained by the $3.5 million annual authorization for the program, only $1.88 million remain. Thus, as of September 30, 1982, over $20 million in reimbursable expenses will have been incurred for which there is currently no Federal authorization.

On July 15, 1982, by a vote of 218 to 177, the House adopted H.R. 6254, identical to legislation pending before you, to increase the level of authorizations for this program. The current annual authorization of $3.5 million would be increased to $7 million per year, and a separate authorization of $17.7 million would be established to reimburse the city for the backlog of approved claims for expenses incurred prior to this September 30. The figure $17.7 million was derived by adding $13 million in approvable claims pending before the Treasury Department and $6.5 million in claims to be submitted for expenses incurred in 1982, and subtracting from that total of $19.5 million the $1.8 million remaining in current 1982 appropriations.

The legislation before you would also make permanent a provision incorporated in the last three Treasury Department annual appropriations to include the expenses of covering the movement of visiting foreign dignitaries among the reimbursable expenses under the act. This provision recognizes the great risk and hence large expenses associated with transit to and from the airports and around the city of prominent foreign visitors.

The handful of Members who spoke against this measure on the House floor made three principal points, all of which are clearly

rebuttable. First, it was said that this bill was to be superseded by another bill then in preparation by the administration. That bill has now been sent by the President to the Congress and has even been reported, with amendments, out of the Senate Foreign Relations Committee. Far from superseding the legislation before you, the administration bill actually complements, and underscores the merits of, the pending legislation. It would extend the principle of Federal responsibility for the local protection of foreign diplomats to include the protection of consular personnel and premises. It would also include in reimbursable expenses the costs of covering diplomats in transit, as does the pending bill, and, perhaps most importantly, it would authorize for the program such sums as may be necessary—a far more generous standard than is included in the legislation before you.

A second argument made against the pending bill is that New York City should bear a proportion of the expenses of protecting diplomats since these diplomats contribute to the local economy. I have three responses to this assertion.

First, the city already bears a sizable portion of the expenses of protecting U.N. diplomats and visiting foreign dignitaries. It receives no reimbursement for routine protective responsibility including cruising patrol cars and extensive intelligence work. Moreover, it must protect visitors such as Prince Charles, Princess Beatrix, and the Shahbanou, who either are not heads of state or who do not visit the U.N., without any reimbursement from the Federal Government. By the way, the Federal Government invited the Shah of Iran to stay in New York for an operation. That foreign personage was not covered under legislation, we recognized it. We provided extensive and expensive protection over a considerable period of time with a great deal of agitation in the streets of New York. That is an example of a forthcoming attitude on the part of the Mayor and the police commissioner, given their difficulties with respect to size of the police to go in partnership with the Federal Government in dealing with this problem even though it is legally and morally exclusively a Federal obligation.

Second, the city receives vast economic benefit from the presence of numerous financial and industrial enterprises in the city, yet the city does not routinely establish fixed post police sentries in front of their headquarters, nor does it protect their chief executive officers in their movements around the city—regardless of the risk. Citizens of New York are not entitled to fixers outside of their homes. The city does take these extraordinary steps to protect foreign dignitaries. We had a phone call from the State Department after the Turkish consular general was shot in Boston: Would you undertake protection of the consular general and the Turkish ambassador? The commissioner immediately agreed to do it because it was an obligation in the professional sense and certainly not in a sense of the terms, the constitutional terms, that Mr. McBrien alluded to. But New York City does not, in a sense, view our relationship with the Treasury Department in an intentional or adversarial posture. They have significantly revised the Treasury regulations over the last 4 years. Indeed, one of the reasons why many of these bills go back to 1974, 1975, and 1976 is because in the climate

of terrorism there has been an awareness on the part of Treasury and the executive branch of the Government that this is essential.

So, in summary, this is a national and not a local concern, and this has been recognized repeatedly by the Congress. Any economic benefit, by the way, that accrues to New York City, accrues in a significant and substantial sense to retailers and landlords and only very indirectly to the city government which must bear the protective expenses, and doesn't get tax revenues from these properties, as the Senator suggested.

A third argument against the pending bill was some vague allegation that the city's claims are part of a sweetheart arrangement with the Treasury Department and are not truly reflective of the city's extraordinary expenses. This remarkable charge is belied by the history of detailed and close scrutiny which the Treasury Department has given to each city submission. The Treasury Department goes over each application for reimbursement in painstaking detail and rejects a rather large percentage of claims (too large a percentage, in our judgment). The review process takes months. In fact, our claims submitted in January have yet to receive final Treasury Department action. The $17.7 million figure included in the pending legislation even assumes, over our objections, that only $13 million of the almost $20 million in claims submitted in January will ultimately be approved.

In conclusion, permit me to cite again the testimony of Ambassador Kirkpatrick:

> I know of no precedent or practice elsewhere in the world which would relieve the United States either of the fundamental responsibility for providing protection or the costs of that protection.

The Ambassador and all others familiar with the situation in New York City concur that such protection is best provided by the New York City police. But the continuation of this excellent arrangement must, we feel, be premised on adequate reimbursement of these cost-effective but growing expenses of protection.

That concludes my statement.

[Attachments to Mr. Conboy's statement follow:]

THE SECRETARY-GENERAL

29 March 1982

Dear Mayor Koch,

As the General Assembly has concluded the main part of its work for this session, I should like to take this opportunity to thank you and the New York Police Department for the excellent job you have done in providing for the safety of these foreign representatives from across the globe. At a time when, unfortunately, terrorist activity against diplomats is on the rise, the City police have responded to each incident with the highest level of professionalism and sensitivity. In so doing, you are indeed fulfilling an important national responsibility.

It has been brought to my attention that the annual federal reimbursement ceiling may be reduced by your Congress, while the City's expenses for protection continue to be significant. I wish to express the hope that the City will be able to maintain the current level of police protection.

I should also like to ask you to convey my sincere appreciation to Police Commissioner McGuire and his colleagues.

With all good wishes,

Yours sincerely,

Javier Pérez de Cuéllar

The Honourable
Edward I. Koch
Mayor of New York

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U.N. POLICE PROTECTION CLAIM SUMMARY

DATE OF CLAIM	AMOUNT OF CLAIM	DISALLOWED AS OF 5/5/82	TOTAL AMOUNT REIMBURSED
April 7, 1977 (Makarious, PLO, Sadat, Hirohito)	2,451,358.78	1,232,619.62	1,218,739.16
December 29, 1977 (Suarez, Hussein, Begin)	117,383.11	52,016.80	65,366.31
October 5, 1978 (Various Dignitaries, Farah Pahlavi, Disarmament Conference)	1,700,793.24	1,419,562.36	281,230.88
July 5, 1979 (Rhodesian and Israeli Dignitaries 33rd U.N. General Assembly)	218,366.83	0.00	218,366.83
November 30, 1979 (Pope John Paul II)	4,832,881.02	0.00	4,832,881.02
December 17, 1980 (President Castro of Cuba)	1,665,744.41	67,121.53	1,598,622.88
June 27, 1980 (34th U.N. General Assembly, 1979 Fixed Posts)	3,092,695.02	831,371.76	2,261,323.26
July 10, 1980 (Overhead and Administrative Costs)	1,332,938.07	0.00	1,332,938.07
September 30, 1980 (33rd U.N. General Assembly resubmission Farah Pahlavi resubmission)	These resubmitted amounts are included in 10/5/78 & 7/5/79 claim total.		
November 14, 1980 (Pope John Paul II resubmission)	These resubmitted amount is included in 11/30/79 claim total.		

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DATE OF CLAIM	AMOUNT OF CLAIM	DISALLOWED AS OF 5/5/82	TOTAL AMOUNT REIMBURSED
May 20, 1981 (Operation Cutlass)	502,066.50	345,784.65	156,281.85
June 10, 1981 (35th U.N. General Assembly, Cuban Ambassador)	66,476.35	23,484.75	42,991.60
July 31, 1981 (35th U.N. General Assembly, 1980 Fixed Costs, Cuban Ambassador)	5,046,047.10	1,584,563.19	3,461,483.91
TOTAL (all claims prior to Jan. 82)	$ 21,026,750.43	5,556,524.66	15,470,225.77*
CLAIMS NOW PENDING WITH TREASURY:			
January 15, 1982 (#1 - 1977 and 1978 Fixed Posts)	6,076,560.49	N/A	N/A
January 15, 1982 (#2 - 1974, 1975, 1976 and 1981 Fixed Posts, 17 Extraordinary visits, Cuban Ambassador)	13,699,808.44	N/A	N/A
TOTAL (claims now pending with Treasury)	$ 19,776,368.93		

* - The City has thus far been paid for approximately 73% of the claim amounts it has submitted.

CLAIM AMOUNTS EXPECTED TO BE
PAYABLE TO NYC AS OF SEPTEMBER 30, 1982

January 15, 1982 (2 claims - 1974-1978 Fixed Posts, 17 Extraordinary Visits, Cuban Ambassador)	$13,000,000.00@
Date to be announced (1982 Fixed Posts, 1982 supplemental, Disarmament Conference)	6,500,000.00*
Date to be announced (Resubmission of disallowances from 5/20/81, 6/10/81 7/31/81 and 1/15/82 claims)	2,500,000.00
Total minimum amount expected to be reimbursable by Sept. 30, 1982	$22,000,000.00

@ - based on Treasury's 5/4/81 testimony, $13 million of our $19.7 million in claims from January 1982 will qualify for reimbursement.

* - estimate which could increase depending on the importance of the dignitaries attending the disarmament conference. At present, only Soviet Premier Leonid Brezhnev and Germany's Helmut Schumidt have accepted the invitation to attend. The Pope has been invited but has not yet made clear his intention to attend.

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Senator MOYNIHAN. Thank you, Commissioner. Excellent testimony.

Ms. Sorensen.

Ms. SORENSEN. Thank you, Senator. I have no formal testimony to make. I will be glad to answer questions.

I would, if I may, make two brief comments in connection with Commissioner Conboy's testimony.

Mr. McBrien referred twice to the matter of localities sharing the responsibility with the Federal Government. I would respectfully suggest that over the last 35 years not only have we shared the responsibility, but New York has in effect carried the full responsibility for protection. We have done it efficiently. We have done it economically. We have done it on behalf of the whole Nation, and we continue to do the job and do it well. It is only in recent years that the financial burden of doing this job as well as it must be done has become very heavy and that is what brings us to this table.

I would reiterate that all extraordinary coverage, all routine general protection, such as other New Yorkers receive, is absorbed into the general police budget. Those are not costs that are submitted.

The costs that are submitted are about as lean as they could possibly be. They are scrutinized, a large percentage are disallowed, and this whole procedure has now become a formal and well-understood procedure on both sides.

Mr. McBrien mentioned the sum of $0.9 million. I would suggest if he read a little further he would see that $0.9 million was that cost because we were lucky enough in that year to receive $3.5 million in reimbursement for the additional cost of police protection, and that was now over 2 years ago, and Mr. Conboy said the dramatic increase in terrorists threats has obviously incurred a dramatic increase in costs. We are seeking a ceiling that roughly meets the real costs of New York. Obviously, we will continue to verify every claim that we submit and in certain years hopefully those claims will be less than that ceiling, but it is not a given that the ceiling will be met every year.

I think everyone concurs that the police have done a superb and professional job and as Ambassador Kirkpatrick and Ambassador Adelman have stated, all civilized countries acknowledge that protection of diplomats is the proper responsibility of each national government. Ambassador Adelman offered to come down and testify here today on this subject but in his absence you have the very eloquent and supportive letter that he has submitted. He agrees with us that it is not a partisan issue, it is simply a matter of responsibility.

Senator MOYNIHAN. I am glad you didn't spare your extemporaneous remarks; they were very explosive.

Let me make two points here, if you will have patience with me.

First, to establish the record, there has been a sharp increase in terrorist activities in New York in the last 5 years, it has been the same in London, it has been the same in Paris, it has been the same in capitals the world over; it is an international condition.

Second, I know you will find in London, I know you will find in Paris that police protection is provided, of course, to embassies, those are national police. If the administration is interested in

having a national police force, let it say so. That would be an interesting development, I think, but they can always come forward. In Geneva and in Vienna you have the same thing.

I think the average patrolman makes about $20,000 a year in New York City. That comes out to about $10 an hour. Could you arrange with Treasury Department for them to hire for $10 an hour the people to carry the bombs down the stairs while they are ticking and let them do that and then you won't ask for reimbursement for removal of bombs. See how many volunteers they get for $10 an hour for that. They might get some volunteers, but they will be the ones who threw the bombs.

Would I be wrong that one of the most disturbing and humiliating experiences the United States has incurred in a a long while was the seizure of our Embassy in Teheran in 1978. It traumatized the Nation. And why was it seized? Because the local police force would not, could not, did not protect. Our marines are there in a very limited capacity. I have been Ambassador in India. I had a large marine detachment, but they had no instructions of any kind to fire on any Indian civilian under any circumstances. Their job was to, in certain situations of emergency, hold off a mob until the code machines could be destroyed—that kind of action.

And the city of New York has done an extraordinary job, has been extraordinarily patient. The State Department wants you there and I thank you very much, Commissioner, for your observation that you don't have an adversarial relationship with the Treasury, but you have an auditing relationship of submitting claims and having them adjudicate and in the end they decide, you don't decide.

Mr. CONBOY. That is correct.

Senator MOYNIHAN. You don't have that leisure, the corresponding leisure to decide whether or not you will put someone out in front of the Yugoslav Embassy. You have a professional obligation. When the State Department calls you up and says: We have just had an attack on our Turkish diplomat in Boston, would you put a guard on the Turkish Mission in New York, you don't say: Well, let me think about it. Will you reimburse us?

Mr. CONBOY. That is right.

Senator MOYNIHAN You do it. The tasks are enormously complex and they bring to bear with great respect the Secret Service and other organizations. If the Secret Service were as effective in protecting American Presidents as you have been in protecting foreign diplomats, we might all be happier today. We should not say the Secret Service doesn't have a tremendous responsibility, but you do too and you know the city and the feel of that city you can only acquire having been around for two centuries, and I think it is remarkable the strength in which you come before this committee.

You have entirely persuaded me as you persuaded the House. I think you heard the bipartisan judgment. Senator Stafford indicated his general sympathy with the case.

I really would have to ask Mr. Conboy and Mr. McBrien if they wouldn't sort of get together and hear Ambassador Kirkpatrick's plea. I know it, I was there. If I say to Mr. McBrien, you have to come to work one morning and find the front of your mission has been blown up overnight and there the New York City police have

guards, put a cordon around it and everyone is trying to act like it is the most natural thing in the world, and everyone is watching to see: can we get it done? The State Department is very good in putting black-plate windows and marble, but you have to be good. It is a situation which is not of our making, not of the State Department's making; it is the 20th century. But we went through it in Teheran and we ought to know what it means.

Well, I guess I would like to ask the judgment of the Commissioner and Mr. McBrien, the House has provided for a marine detachment up there. Do you have any feelings about it one way or the other?

Mr. Secretary, would you come up to the table? If you have any rebuttal you would like to make, please do.

Tell us your feeling on the marines.

Mr. ROBINSON. It is somewhat of a surprise for me. It certainly would be a new situation with the marine security guard program that we have within the Department of State.

Senator MOYNIHAN. Would you do this, would you get the Secretary of State to have someone call someone in the Marine Corps and talk with your associates about this and the Secret Service since the President goes there regularly. I can see a case for it both ways. But the State Department has interest here which is legitimate. The State Department security people are there and see what you think. Let us know.

Mr. ROBINSON. Will do.

Senator MOYNIHAN. And let us know quickly because I dare to believe this session of Congress will come to an end—some say it will, some say it won't—but it is going to end very quickly.

On your consular matter, Mr. Secretary, we will present that with equal equanimity to the full committee. I would like to get a cost estimate from you and I would like to hear from the Treasury about it. But I will remind you, sir, that you are the Treasury, you are not the Office of Management and Budget and the Treasury is capable of large and generous acts where the honor of the American Republic is involved.

Mr. MCBRIEN. Thank you, sir, especially for that distinction.

Senator MOYNIHAN. We will try to move this quickly for the first markup we have. You have made an altogether persuasive case to us as you did to the House side, Commissioner and Ms. Sorensen. May I say this is not a position that was urged by the city of New York, this position was urged upon us by the United Nations. I have the peculiar experience of having been in that position and I know exactly how they feel. There is a process in the world where the events in Paris lead to events in London which lead to events in New York.

Give my regards to your mayor and to your distinguished commissioner. Thank you very much.

Is there anything else anyone would like to say?

Mr. MCBRIEN. Senator, if I may, I would like to make one final remark. The Treasury Department certainly agrees that the performance of the New York City Police Department in protecting the missions there is extraordinary. Their cooperation with us and the whole circumstances has been unique and I am certain the Department of State feels the same.

Senator MOYNIHAN. I knew you felt that way. It was very generous of you to say so.

With that, the hearing will end.

[Whereupon, at 3:20 p.m., the committee recessed, to reconvene, subject to the call of the Chair.]

[The bills S. 2235, S. 2675, and S. 2845 follow:]

II

97TH CONGRESS
2D SESSION

S. 2235

To amend title 3, United States Code, to provide improved protection for foreign diplomatic missions.

IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, FEBRUARY 22), 1982

Mr. MOYNIHAN (for himself and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend title 3, United States Code, to provide improved protection for foreign diplomatic missions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 208(a) of title 3, United States Code, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof ", including those utilized to provide protection for motorcades and at places associated with a visit qualifying under section 202(7).".

(b) Section 208(b) of title 3, United States Code, is amended by striking out "$3,500,000" and inserting in lieu thereof "$15,000,000".

SEC. 2. The amendments made by this Act shall take effect on October 1, 1982.

II

97TH CONGRESS
2D SESSION

S. 2675

To authorize the Secretary of State to reimburse State and local governments for providing extraordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia.

IN THE SENATE OF THE UNITED STATES

JUNE 24 (legislative day, JUNE 8), 1982

Mr. PERCY (by request) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To authorize the Secretary of State to reimburse State and local governments for providing extraordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of Congress that the protection of foreign consular posts and officials located in the United States outside the metropolitan area of the District of Columbia remains the responsibility of State and local governments. But the Congress also recognizes that there are instances of ex-

traordinary protective need when Federal assistance is appropriate, and this Act will permit such assistance.

SEC. 2. Whenever the Secretary of State finds it necessary in order to meet United States obligations under the Vienna Convention on Consular Relations, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, and any other international law or convention to which the United States is a party, he is authorized to request the assistance of State and local governments other than those in the metropolitan area of the District of Columbia in the performance of the following security functions and, in cases of extraordinary need, to reimburse those governments for reasonable expenses associated with:

(a) fixed guards posts at any consular premises or the residences of any consular officers within their jurisdiction; and

(b) protective security details and other extraordinary functions relating to protection of consular premises and officers within their jurisdiction.

In any case in which the State or local government cannot accede to such request for assistance because of a lack of manpower, the Secretary of State is authorized to procure security services notwithstanding any other provision of law of the United States normally applicable to the acquisition of

such services, provided that those performing such services are duly authorized to do so in the jurisdiction in question.

SEC. 3. For purposes of this Act—

(a) "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of a consulate general, consulate, vice consulate, or consular agency of a foreign government within the United States;

(b) "consular officer" means any person entrusted with the exercise of consular functions within the United States and duly notified in that capacity to the Department of State.

SEC. 4. The Secretary of State may issue such regulations as he deems appropriate to carry out the purposes of this Act.

SEC. 5. In addition to funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act for the fiscal year ending on September 30, 1982, and for each succeeding fiscal year.

II

97TH CONGRESS
2D SESSION

S. 2845

To amend section 202(7)(C) of title 3, United States Code.

IN THE SENATE OF THE UNITED STATES

AUGUST 17, 1982

Mr. MOYNIHAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend section 202(7)(C) of title 3, United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(7)(C) of title 3, United States Code, is amended by inserting "may be provided for motorcades and at other places associated with such a visit and" after "protection".

(b) Section 208(b) of title 3, United States Code, is amended to read as follows:

"(b) There is authorized to be appropriated, in addition to such sums as have been heretofore appropriated under this section—

"(1) $7,000,000 for each fiscal year beginning after September 30, 1982, for the payment of reimbursement obligations entered into under subsection (a) after such date; and

"(2) $17,700,000 for the payment of reimbursement obligations entered into under subsection (a) before October 1, 1982. Amounts appropriated under this subsection shall remain available until expended.".

SEC. 2. The amendments made by the first section of this Act shall take effect on the date of enactment of this Act, except that no amount authorized to be appropriated by the amendment made by subsection (b) of the first section of this Act may be made available for use or obligation prior to October 1, 1982.

SEC. 3. In order to assure effective security at the United States mission to the United Nations, and to promote efficient use of Federal security resources, the Secretary of the Treasury and the Secretary of State shall consult with the Secretary of the Navy with regard to placement of Marine security guard services within such mission and shall report thereon to the Congress not later than sixty days after the date of enactment of this Act.

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